

AMENDED IN SENATE MARCH 30, 2016

SENATE BILL

No. 1280

Introduced by Senator Hancock

February 19, 2016

An act to add Section 21081.1 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1280, as amended, Hancock. California Environmental Quality Act: coal shipments: mitigation.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would prohibit a lead agency from adopting a negative declaration or a mitigated negative declaration or certifying an EIR for a project affecting the shipment of commodity through a port facility that is receiving state funds from the Trade Corridors Improvement Fund unless the lead agency either prohibits coal shipment through the port facility or requires full and complete mitigation of the emissions of greenhouse gases resulting from the combustion of coal shipped through the port facility, as determined by the State Air Resources

Board. The bill would, to the extent an EIR has been certified, or a negative declaration or mitigated negative declaration has been adopted, for those projects, require the lead agency to conduct a supplemental or subsequent environmental review to comply with the above requirements. Because a local agency would be required to implement these requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21081.1 is added to the Public Resources
- 2 Code, to read:
- 3 21081.1. (a) For the approval of a project affecting the
- 4 shipment of commodities through a port facility, the lead agency
- 5 shall not adopt a negative declaration or a mitigated negative
- 6 declaration, or, notwithstanding Section 21081, certify an
- 7 environmental impact report, unless the lead agency, in the relevant
- 8 environmental document, does either of the following:
- 9 (1) Prohibits coal shipment through the port facility.
- 10 (2) Requires the full and complete mitigation of the emissions
- 11 of greenhouse gases resulting from the combustion of the coal
- 12 shipped through the port facility, as determined by the State Air
- 13 Resources Board.
- 14 (b) To the extent that an environmental impact report has been
- 15 certified, or a negative declaration or mitigated negative declaration
- 16 has been adopted, for a project affecting the shipment of
- 17 ~~commodity~~ *commodities* through a port facility, the lead agency
- 18 shall conduct a supplemental or subsequent environmental review
- 19 in compliance with this section.
- 20 (c) This section applies only with respect to a port facility that
- 21 receives state funds from the Trade Corridors Improvement Fund
- 22 pursuant to Section 8879.23 of the Government Code or Section

1 2192 of the Streets and Highways ~~Code~~. *Code and only to the*
2 *extent consistent with federal law.*

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

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